

REMARKS

Present amendment is submitted in a effort to advance the case to issue without delay.

Applicants confirm election of the invention under Group I (claims 1-5 and 7-12), without traverse. Claim 6 is being withdrawn in the understanding that process claims can be presented in a Divisional application without prejudice.

Applicants note and assume that the Examiner is aware of a Second Preliminary Amendment mailed January 20, 2005.

Claims 8-10 were objected to under 37 C.F.R. 1.75(c) as being of improper dependent form. These claims have now been amended to rectify the informality. Claims 8-10 now depend through independent claim 7.

Claim 1 has been further amended to incorporate the elements of original claims 2 and 5. These recite that the Air Permeability ranges from 300 to 1,000. Also added is a recitation that the textile cannot be separated into multiple layers after formation without destruction of the textile. Similar changes have been incorporated into independent claim 7. New claims 13 and 15 identify the areas of higher basis weight (those surrounding the central area of low basis weight) as a form of polypropylene. Support is found in the specification at page 7 (line 4). Polypropylene is the preferred material for both of the outer higher basis weight areas.

Claims 14 and 16 have been added to recite the preferred basis weight ratio of 4:1 to 2:1. Support is found at page 6, line 4.

Claims 1-4 were rejected under 35 U.S.C. §102(b) as anticipated by Suskind et al. (U.S. Patent 4,808,467) identify as an equivalent to EP 0 308 320 A. Applicants traverse this rejection.

Suskind et al. does not disclose the Air Permeability element of original claim 5, now incorporated into claim 1. For this reason, novelty is not lacking.

There is a substantial physical difference between the fabric of the reference and the presently claimed textile. This difference derives from the mode of manufacture. Suskind et al. joins a pre-formed web containing wood pulp to each side of a pre-formed base web. These three webs are then hydroentangled. Since the resultant fabric is a combination of three separate pre-formed webs, it would be possible to separate these original webs from the resultant hydroentangled fabric.

By contrast, the textile of the present invention does not sandwich a central web with a pair of pre-formed outer webs. The process of the present invention utilizes a loose random assembly of fibers not previously formed into any coherent web. These loose fibers are placed above and below a fibrous screen modifying textile substrate (i.e. web) followed by hydroentanglement. The resultant textile is so integrated that outer and inner layers cannot be separated without destruction of the textile. In other words, the original layers cannot be peeled away for an intact separation. The differences in the process lead to differences in properties of the textiles. For these reasons Suskind et al. would not render the claims obvious.

Claim 5 was rejected under 35 U.S.C. §103(a) as unpatentable over Suskind et al. (U.S. Patent 4,808,467). Applicants traverse the rejection.

Suskind et al. does not disclose an Air Permeability within the range 300 to about 1,000. The Examiner considers that Air Permeability can be manipulated by those with ordinary skill in the art. By this the Examiner means that a *prima facie* case of obviousness has been presented.

Applicants have conducted a series of experiments to demonstrate the criticality of the particular claimed range of Air Permeability. Attention is drawn to the Examples of the present specification. The Table at page 13, paragraph [00032], compares lather release properties as a function of Air Permeability. Samples I and VI have Air Permeability values less than 300. These perform poorly in the ability to release a foaming lather. By contrast, samples II, IV, V and VII exhibited Lather Release values ranging from fair to very good. These results demonstrate the criticality of a textile with the claimed Air Permeability limitations. Those skilled in the art would not have been led to provide a textile of the claimed characteristics that would have provided the desired Lather Release profile. For this reason Suskind et al. does not render the claims obvious.

Claims 7-9 and 12 were rejected under 35 U.S.C. §103(a) as unpatentable over Suskind et al. and further in view of Wagner et al. (U.S. Patent 5,951,991). Applicants traverse this rejection.

Neither Suskind et al. nor Wagner et al. disclose the Air Permeability aspect of claim 7. Applicants have demonstrated a special effectiveness for samples having an Air Permeability ranging between 300 and 1000. These experiments demonstrate the unexpected nature of the claimed invention.

Further, those skilled in the art would not have been led to a Suskind et al. fabric construction for use in a personal cleansing product such as Wagner. There is no suggestion in Suskind et al. that the fabrics disclosed therein would have any particular utility in the technology of personal cleansing articles. The only suggested uses are that the fabric may be suitable for household cloths, food service wipes and industrial machinery wipes. See column 1, lines 39-40. There is nothing to suggest that the textile be used with any foaming surfactants in a personal cleansing article.

Claims 10 and 11 were rejected under 35 U.S.C. §103(a) as unpatentable over Suskind et al. and Wagner et al. and further in view of Bergquist (U.S. Patent 6,723,330 B2). Applicants traverse this rejection.

None of the three references discloses a textile having the claimed Air Permeability range. Applicants have shown special utility for a textile structured with the claimed high and low basis weight and 300 to 1000 Air Permeability. See comparative tests under the Example of the present specification.

Suskind et al. provides no suggestion or teaching that the textile disclosed therein would have any utility as a personal cleansing article. Those skilled in the art viewing the enormous literature of textile technology would not have selected the Suskind et al. fabric to deliver a formulation with surfactant or foaming ingredients.

Claims 13 and 15 are also distinct. Suskind et al. requires that the outer webs which sandwich the base web be formed from wood pulp. See the Abstract, column 1 (lines 50-51), all the Examples and claim 1. Applicants' claims 13 and 15 specify that the areas of higher basis weight (surrounding central area) are formed of polypropylene. This preferred embodiment is distinct from the teaching of Suskind et al. requiring cellulose to achieve the soft property required by the reference.

New claims 14 and 16 specify that the area of higher basis weight on both sides in sum total relative to the central area of low basis weight has a basis weight ratio ranging from 4:1 to 2:1. The Suskind examples and disclosure all have basis weight ratios substantially in excess of 4:1.

In view of the foregoing amendment and comments, applicants request the Examiner to reconsider the rejection and allow the claims.

Respectfully submitted,

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